

SENATE BILL REPORT

SB 6478

As Reported By Senate Committee On:
Government Operations & Elections, January 22, 2008

Title: An act relating to ballot identification.

Brief Description: Prohibiting bar codes or other unique identifying marks on ballots.

Sponsors: Senators Oemig, Swecker, Pridemore, Kline, Spanel and Kohl-Welles.

Brief History:

Committee Activity: Government Operations & Elections: 1/21/08, 1/22/08 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6478 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Kline, McDermott, Pridemore and Swecker.

Staff: Cindy Calderon (786-7784)

Background: All ballots must be uniform within a precinct. A ballot must identify the type of primary or election and its date; the county; and must contain instructions for recording a vote. Paper ballots and ballot cards may not be marked in a way that could identify a voter.

Summary of Bill (Recommended Substitute): A paper ballot or ballot card may not contain any encrypted or unencrypted bar code or other unique identifying mark except for auditing and vote reconciliation; and to determine if a ballot has already been counted. Unique identifying marks may not be associated with an individual voter, a voter's address, or a voter's registration number.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Paper ballots and ballot cards may contain a randomly assigned unique identifying mark rather than a randomly generated unique identifying mark.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony on Original Bill: PRO: This bill prevents someone other than the voter from marking the ballot in a way that it can be identified. The current way ballots are counted and tracked jeopardizes a ballot's secrecy. It does matter when a bar code is applied to a ballot and an envelope, as well as how they are sent out and later scanned.

OTHER: We are concerned about the phrase "randomly generated." The 21 counties that use the Hart Intercivic voting system will be impacted by this bill. The system does have a ballot identifier and a ballot identification code but they are not unique identifiers. The serial number this system uses is not randomly generated; it is sequential to a specific batch of ballots, so that does create concern.

Persons Testifying: PRO: Senator Oemig, prime sponsor; Rick Dewitt, citizen.

OTHER: Shane Hamlin, Office of the Secretary of State; Greg Kimsey, Clark County Auditor.